

REMARKS

This amendment and the accompanying RCE are being filed in response to the final Office Action mailed on August 1, 2006. Claims 1-20 have now been cancelled and new claims 21-40 are being added. No new matter has been added or claimed, and each of the new claims is properly supported by the disclosure of the application as originally filed.

Claim 21 recites a method of operating a vehicle telematics device as a communication gateway in which:

- (1) a transmission from a wireless modem unit on a secondary vehicle is received at the vehicle telematics device on a primary vehicle,
- (2) a communication is established between the vehicle telematics device on the primary vehicle and a service provider through a second communication protocol for which the secondary vehicle is not equipped,
- (3) a communication gateway is established between the secondary vehicle and the service provider utilizing the vehicle telematics device on the primary vehicle, and
- (4) data is communicated between the secondary vehicle and the service provider via the communication gateway.

By using the vehicle telematics device on the primary vehicle, the second vehicle is able to communicate with service provider by communicating with the primary vehicle even though the second vehicle is not equipped to communicate with service provider on its own.

Claim 29 recites a method of operating a vehicle telematics device as a communication gateway in which:

- (1) a wireless access point for a secondary vehicle is detected at the vehicle telematics device on a primary vehicle,
- (2) communication is established between the secondary vehicle and the vehicle telematics device on the primary vehicle utilizing a first communication protocol,

- (3) communication is established between the vehicle telematics device on the primary vehicle and a service provider utilizing a second communication protocol not supported by the secondary vehicle, and
- (4) software updates are communicated to the secondary vehicle from the service provider via the primary vehicle.

This method is particularly useful where software updates are available for vehicles unable to communicate directly with the service provider.

Claim 38 recites a method of operating a vehicle telematics device as a communication gateway in which:

- (1) a wireless access point to a local secondary vehicle is detected at the vehicle telematics device on a primary vehicle,
- (2) communication is established between the secondary vehicle and the primary vehicle utilizing a first communication protocol,
- (3) communication is established between the vehicle telematics device on the primary vehicle and a service provider utilizing a second communication protocol not enabled on the secondary vehicle,
- (4) the service provider is notified from the vehicle telematics device of the identification of the secondary vehicle, and
- (5) triggers are communicated to the secondary vehicle from the service provider via the primary vehicle.

This method is useful where, for example, it is desired to carry out some future action at the vehicle, such as running and wirelessly reporting diagnostics.

Prior Claim Rejections

Claims 1-20 have been cancelled so rejection of those claims is moot. The cancellation of these claims is without disclaimer of the subject matter thereof and without prejudice to Applicants' right to later pursue the subject matter of those claims in this or another application.

With regard to the new claims, the prior art of record does not disclose or render obvious the subject matter of independent claims 21, 29, and 38. In Krasner (US Pub.

No. 2004/0142678), a notification is made from a collision detection system to an occupant's mobile phone in response to a vehicle collision. See paragraph [0042]. The notification is passed on to a Public Safety Answering Point (PSAP) from the mobile phone. According to the last Office Action, it would have been obvious to combine the teachings of Krasner with that of Tzamaloukas (US Pat. No. 6,925,378) so that, rather than communicating between a collision detecting system and an occupant's mobile phone to a PSAP to request assistance in an emergency, the modified Krasner system would instead operate so that the remote vehicle detects a wireless modem unit within another vehicle as a wireless access point to communicate with the PSAP.

Applicants respectfully submit that no *prima facie* case of obviousness has been shown in making the combination suggested in the Office Action. The stated reason for combining the two references is that "Tzamaloukas discloses a GPS receiver in an automobile for communicating information with [a] central server for the purpose of establishing communication." However, Krasner's system provides a means by which its collision detection system communicates with a central facility and there has been no showing from the prior art, nor any technically objective reasoning given as to why one of ordinary skill in the art would abandon the communication approach of Krasner in favor of that of Tzamaloukas. Moreover, the reasons for communicating to a central location are vastly different in the two references. The Office Action has therefore not provided a proper basis for combining Krasner and Tzamaloukas.

Apart from the improper combination of references, the new claims each include one or more limitations not disclosed or rendered obvious by Krasner or Tzamaloukas, whether considered singly or in combination. For example, claim 21 recites that a second vehicle is not equipped to communicate through a protocol used to establish communication between a primary vehicle and a service provider. This feature in combination with the remainder of the claim is not disclosed or suggested by the prior art of record. Krasner does not disclose communication between two vehicles, but instead utilizes equipment within the vehicle to communicate to a central location. Tzamaloukas does not disclose the combination of (a) the primary vehicle communicating with a service provider through one protocol and (b) the second vehicle communicating with the

primary vehicle through another protocol, but not being equipped to communicate with the primary vehicle using the one protocol that the primary vehicle uses to communicate with the service provider. Rather, Tzamaloukas teaches that the participating vehicles communicate with the central server via a wireless wide area network link (Col. 4 lines 25-32) and that the participating vehicles may communicate with fixed egress points or other participating vehicles acting as mobile egress points. Col. 3 lines 25-38. As indicated in the GPS location example at Col. 7, line 39 through Col. 8, a participating vehicle having GPS but unable to determine its position (e.g., because of tall buildings), can use dead reckoning as well as link quality information from nearby wireless access points to determine its location. Thus, it is not that the vehicles do not have GPS capability, but that it cannot temporarily be used in which case the wireless links to other vehicles are used. Thus, even those vehicles communicating with another vehicle have GPS. Therefore, neither of these references teaches a second vehicle that is not equipped to communicate using a protocol that is utilized between a primary vehicle and a service provider.

With respect to independent claim 29, apart from using a protocol between the primary vehicle and service provider that is not supported by the second car, this claim also recites communicating software updates to a secondary vehicle from a service provider via a primary vehicle. Tzamaloukas does not disclose communicating software updates to the secondary vehicle. Rather, Tzamaloukas is directed to communicating geographical data or navigation data such as for updating a geographical database at the central server and computing routes, paths, and turn-by-turn directions. Therefore, the prior art does not disclose communicating software to a secondary vehicle from a service provider via a primary vehicle.

With respect to claim 38, it recites the step of communicating triggers to the secondary vehicle from the service provider via the primary vehicle. Krasner does not disclose communicating triggers to a secondary vehicle from the service provider. Likewise, Tzamaloukas does not disclose communicating triggers to the secondary vehicle. Although providing triggers directly to a vehicle from the service provider is

known, none of the cited references disclose or suggest communicating such triggers via another vehicle.

Accordingly, Applicants respectfully submit that independent claims 21, 29, and 38 each patentably define over the prior art. Claims 22-28, 30-37, and 39-40 each ultimately depend from one of these claims and should be allowed therewith.

In view of the foregoing, reconsideration is requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any other required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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/James D. Stevens/

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